

- B. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- C. Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

9.3 Failure to Remove – If the owner of the facility does not remove the facility upon the Zoning Administrator's order, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.

Section 3-17 Equestrian Facilities and Events (adopted 3-10-98)

INTENT OF THE ORDINANCE

The Town of Amherst recognizes that equestrian activities and facilities are an integral part of the history and rural character of the town and, as such, can contribute to achieving the goals of the Master Plan. Through the preservation of open space and agricultural practices, the commercial elements of such ventures are of value to the entire community by providing recreational, competitive and other opportunities for public benefit.

The intent of this ordinance is to allow the development of private equestrian facilities and events in the residential zones of the Town of Amherst, while seeking to preserve the rural character of the Town. The provisions of this ordinance are further intended to limit the impact of these commercial ventures on public health, safety and welfare by the establishment of minimum standards and by requiring a review of the design, operating procedures and control of impacts. The ordinance seeks to promote the health, safety and welfare of rider and animal, as well as the public.

1.0 DEFINITIONS

1.1 *Equestrian Facility*: A private facility with limited and/or occasional availability to the public; primarily for the boarding, training, breeding, sale, riding and maintenance of horses, ponies and other equids, with or without instruction for the rider.

1.2 *Equestrian Events*: Any event of more than 30 participants per day involving horses and/or other animals which are on display or engaged in competition and organized and managed in accordance with the provision of a sanctioning state or national organization.

1.3 *Riding Lessons:* Any lesson or activity with limited availability to the public involving the riding, training or care of horses, whether saddled or otherwise, and including the training or instruction of riders or drivers.

2.0 GENERAL PROVISIONS

2.1 *Applicability:* The provisions of this ordinance apply to all lessons or events involving horses that are open or available to the general public, regardless of whether there is a fee charged. Activities covered under this ordinance are allowed in all zones in the Town of Amherst. These provisions do not apply to the private ownership of horses or other farm animals not available for public use.

The ordinance shall be construed to cover and define uses permitted to equidae as a whole and not to limit permitted uses and activities to a size animal or a species or sub-species.

Allowable uses and activities involve the interaction between horses and humans and can be instructional, competitive, recreational, therapeutic, training, exercise, conditioning, or as otherwise approved by the Planning Board.

2.2 *Prohibited Uses:* Activities, operations or events for the purpose of livestock auctions, commercial horse sales, the sale of transport equipment and vehicles, the manufacture or sale of feed and animal hospitals are not allowable uses permitted under this ordinance.

Outdoor lighting for night-time use of arenas, tracks and like training or competition areas is prohibited.

2.3 *Equestrian Event Management:* Equestrian events consist of horse shows, trials or competitions open to the general public. All events shall be conducted under the rules or other provision of an applicable sanctioning state or national organization. Prior to conducting such events, the owner of the property shall apply for and obtain approval under the Non-Residential Site Plan review regulations of the Town. At a minimum the application shall include:

1. Name of land owner(s).
2. Map and Lot numbers of the parcel(s) to be used for equestrian events.
3. A plan showing the parcel, abutters, existing development and planned improvements or alterations, parking areas and traffic access and circulation.
4. A detailed description of the proposed equestrian events including activities, hours of operation, number of participants, bathroom facilities, water supply, etc.
5. A detailed description of the measures to be implemented to ensure that the proposed activities are compatible with the neighborhood, including but not limited to traffic management, dust and noise control, disposal of manure.
6. The annual schedule of equestrian events.

7. Provisions for access to special populations if events are open to the general public.
8. A copy of the sanctioning organization's requirements for event management.
9. A traffic and parking plan shall designate areas for parking horse trailers and other oversize vehicles and for individual vehicles for those attending the equestrian events. All event parking shall be restricted to the designated areas and limited to the available spaces. No on-street parking shall be allowed. Traffic circulation shall ensure access for emergency vehicles at all times.

2.4 *Riding Lessons:* Riding lessons are all activities involving instruction, training or participation in horse-back riding provided to the general public using horses not wholly owned by the individual receiving the instruction or training. Riding lessons to more than ten individuals per day may be offered only by facilities approved under this ordinance. Prior to offering riding lessons to the public, the owner of the property shall apply for and obtain approval under the provision of the Non-Residential Site Plan review regulations of the Town. At a minimum the application shall include:

1. Name of the land owner(s).
2. Map and Lot numbers of the parcel(s) to be used for riding lessons.
3. A plan showing the parcel, abutters, existing development and planned improvements or alterations, parking areas and traffic access and circulation.
4. A detailed description of the proposed riding lesson operations including activities, hours of operation, maximum number of hourly and daily participants, bathroom facilities, waiting/classroom areas, water supply, etc.
5. A detailed description of the measures to be implemented to ensure that the activities are compatible with the neighborhood, including but not limited to traffic management, dust and noise control, disposal of manure.
6. The schedule of operation of the riding center.
7. Provisions for access to special populations if lessons are open to the general public.
8. A copy of an emergency response plan to manage accidents and injuries.
9. A traffic management plan must be prepared for any riding center offering lessons to more than 3 (three) riders per hour.

3.0 OTHER PROVISIONS

3.1 Barns or other structures used to stable horses under this ordinance shall be limited to one animal per stall and one stall per 1.0 acres of pasture. Animals covered under this ordinance smaller than standard horses (58 inches) must be provided adequate pasture area.

3.2 Barns used to stable 5 (five) or more horses may contain up to 800 sq. ft. of living space for a stable manager provided such space meets all applicable BOCA requirements and is issued an occupancy permit by the Town.

3.3 The restrictions on riding lessons contained in section 2.4 of this ordinance shall not apply to the owners of horses stabled or boarded at a facility not otherwise subject to this ordinance.

3.4 Nothing in this ordinance shall be construed to prohibit the private sale or maintenance of horses or farm livestock or to prohibit, or otherwise restrict, agricultural operations.

3.5 Agricultural operations and Equestrian operations shall be conducted in accordance with the MANUAL OF BEST MANAGEMENT PRACTICES (BMP) FOR AGRICULTURE IN NEW HAMPSHIRE published by the New Hampshire Department of Agriculture, Markets, and Food. (3.8.05)

Section 3-18 CONDITIONAL USE PERMITS

Section 1 GENERAL

Conditional Use Permits as herein provided for shall be deemed to be permitted uses in their respective zones, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements and standards of this Ordinance. All such cases are hereby declared to possess characteristics of such unique and special form that each specific use shall be considered as an individual case. The applicant shall bear the burden of persuasion, through the introduction of sufficient evidence through testimony or otherwise, that the development, if completed as proposed, will comply with this Article and will satisfy the specific requirements for the use contained in the ordinance.

Section 2 PLANNING BOARD TO ADMINISTER

Wherever a conditional use is authorized by this ordinance, the authority to administer or grant Conditional Use Permits shall be vested in the Planning Board .

Section 3 STANDARDS APPLICABLE TO ALL CONDITIONAL USE PERMITS

A. Conditions for Conditional Use Permits

Before the Planning Board considers the approval of an application for a Conditional Use Permit, the applicant shall prove to the satisfaction of the Planning Board that all the following conditions have been met:

1. That the property in question is in conformance with the dimensional requirements of the zone and that the proposed use is consistent with the Amherst Master Plan.

2. That the proposal meets the purposes of the ordinance under which the application is proposed.
3. That there will be no significant adverse impacts resulting from the proposed use upon the public health, safety and general welfare of the neighborhood and the Town of Amherst.
4. That the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or inappropriate lighting than any use of the property permitted under the existing zoning district ordinances.
5. That the proposed use will not adversely affect the ground water resources of Amherst, in particular the Aquifer Conservation District as defined in Section 4-13 of the Amherst Zoning Ordinance.

Response to each of the above conditions shall be provided in writing on forms available in the Amherst Zoning and Planning Office.

- B. The applicant shall file a Non-Residential Site Plan Review application in accordance with the NON-RESIDENTIAL SITE PLAN REVIEW REGULATIONS with the Amherst Planning Board.

C. Conditions of Approval

1. The Planning Board may attach such conditions to its approval as are reasonable, necessary and appropriate.
2. All Conditional Use Permit uses are hereby declared to have special characteristics that shall be considered on a case-by case basis.

D. Limits on a Conditional Use Permit

1. Substantial construction must commence within one (1) year of the Planning Board approval of the Conditional Use Permit and Site Plan Approval.
2. If construction is not commenced within this period, the Conditional Use Permit approval may be extended for up to one (1) additional year upon Approval of the Amherst Planning Board. If construction is not commenced within this extended period the Conditional Use Permit is declared null and void.

Section 4 PERMITS FOR CONDITIONAL USE PERMITS

A building permit for a Conditional Use Permit use shall not be issued by the Board of Selectmen or their duly appointed representative, the Administrative official, until so directed by the Planning Board who shall first be

satisfied that all the standards and conditions of this article and the Ordinance have been met.

Section 3-19 PHASING (3.13.07)

1. Purpose: To insure that the rate of growth of the Town does not unreasonably interfere with the Town's capacity for planned, orderly, and tangible expansion of its services to accommodate such growth, the Planning Board, at its discretion, may require phasing of subdivisions, as provided in RSA 674:21. Prior to requiring phasing, the Planning Board shall inquire into the impact which the proposed subdivision will have on Town services and shall exercise its discretion to require phasing so as to lessen or mitigate such impact.

2. Phasing: In the event that the Board decides, in its discretion, that phasing is required, then each subdivision of land for a residential use producing four (4) lots or dwelling units and not more than six (6) lots or dwelling units shall be phased over a minimum of two (2) years, with not more than 50 % of the dwelling units receiving building permits in a one (1) year period. Every subdivision of seven (7) lots of dwelling units but not more than nine (9) lots or dwelling units shall be phased over a minimum of three (3) years, with not more than 33 % of the dwelling units receiving building permits in a one (1) year period. Every subdivision of ten (10) lots or dwelling units but not more than twenty (20) lots or dwelling units shall be phased over a minimum of four (4) years, with not more than 25 % of the dwelling units receiving building permits in a one (1) year period. Other larger subdivisions shall have phasing as determined by the Board at its discretion.

The requirement shall apply to all forms of residential subdivision of land, as defined in RSA 672:14 (I), and RSA 674:21.

The Planning Board may require any subdivision to adhere to a longer phasing plan if such phasing is deemed necessary to protect the health, safety, welfare and environment of the Town.